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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,859	12/03/2004	Casimir Johan Crawley	PU020269	7325
7590		02/06/2008		
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			02/06/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/516,859	Applicant(s) CRAWLEY, CASIMIR JOHAN	
	Examiner RuiMeng Hu	Art Unit 2618	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED on 01/15/2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL -324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: i.e. consider claim 1, Bowles clearly disclose apparatus comprising: a receiver (figure 3, compact disc (CD) player, CD Pickup 33) for receiving an CD signal; a decoder (figure 3, EFM Demodulator 38) for demodulating said CD signal; and a processor (column 8 lines 6 -67, figure 3, slicer 37 and hfSync 32) for polling said decoder for a loss of a phase lock in said demodulating of said CD signal.

Bowles discloses a Compact Disc (CD) player (Background of the Invention), however Bowles fails to specifically disclose the signal from a compact disc (CD) is music audio file signal.

In the same field of endeavor, Ozawa et al. disclose a Compact Disc (CD) player plays audio data (Background of the Invention, figure 2, audio data played back from a CD 91).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the selection techniques taught by Ozawa et al. into the art of Bowles as to play music audio file from a music audio CD.

According to the description of present application, (on page 4 lines 1 -3, 14-16) the processor 24 continually polls the EFM decoder 32 to determine if a phase lock loop in the demodulation of the incoming audio file signal has been lost 33, the EFM decoder 32 utilizes a phase lock loop, however the description fails to mention a phase lock loop and fails to disclose/su pport details of an unlocked condition of the phase lock.

Bowles discloses a EFM decoder (figure 3, EFM decoder 38) comprising a digital phase lock loop (hfSync) wherein the digital phase lock loop includes a phase detector 33 (figure 4, phiDet(PD) 33) for comparing the phase of an input signal (CXD_hf) with a reference phase signal (figure 4, column 9 lines 27 -48, reference phase signal output of DTO 35) and generates a phase difference or phase error (figure 4, HSY_phiErr or PD_phiErr) based on the comparison, the generated phase error (HSY_phiErr or PD_phiErr) represents a "unlocked" condition of the phase lock loop. During demodulation, "a transition" commonly and repeatedly occurs (column 10 lines 37 -54) and a phase error occurs when "a transition" occurs (column 10 lines 37 -54), thus when a new transition occurs, a new phase error (PD_phiErr) is occurred/generated, said new phase error can be interpreted as "a loss of a phase lock" during demodulation. Slicer 37 monitors (polls) every phase error (PD_phiErr) which occurred during "a transition", (column 8 lines 6 -19) the value PD_phiErr indicates the direction of "the HF transition" to which it applies, and adjusts the threshold to minimize the difference between consecutive phase errors, thus the Slicer 37 monitors (polls) and utilizes said new phase error which occurred during said "a new transition", therefore the Slicer 37 for polling the EFM decoder for a loss of a phase lock in demodulating of an input CXD_hf signal.


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